

**FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ANTHONY E. GOOCH, Individually)
and on behalf of all similarly situated)
individuals,)

Plaintiff,)

v.)

LIFE INVESTORS INSURANCE)
COMPANY OF AMERICA and)
AEGON USA, INC.,)

Defendants.)

NO. 1:07-0016
JUDGE HAYNES

ORDER

In accordance with the Memorandum filed herewith, (1) the Plaintiff's motion for a preliminary injunction (Docket Entry No. 35) is **GRANTED**; (2) the Defendant Aegon's motion to dismiss for lack of personal jurisdiction (Docket Entry No. 37) is **DENIED**; (3) Life Investors's motion to dismiss or for summary judgment (Docket Entry No. 45) is **DENIED**; (4) Plaintiff's cross motion for partial summary judgment on his breach of contract claim (Docket Entry No. 64) is **GRANTED**; and (5) Plaintiff's motion for class certification under Fed R. Civ. P. 23(b)(2) (Docket Entry No. 66) is **GRANTED**.

The Court certifies this action as a class action under Fed. R. Civ. P. 26(b)(2) as a class of: "[a]ll individuals throughout the United States who are, or between six (6) years from the filing date of this action until the present have been, insured by Cancer Only Policies issued by Life Investors." (Docket Entry No. 66, Motion at p. 1).

It is **ORDERED** that within twenty four (24) hours from the entry of this Order, the

Defendant Life Investors Insurance Company of America shall restore the amount of the Plaintiff's benefits under their Supplemental Cancer Policy in accordance with the medical billings index as calculated by this Defendant from 1999 to 2006. This Defendant shall file a notice of its compliance within twenty four hours thereafter.

It is so **ORDERED** this the 5th day of March, 2007.


WILLIAM J. HAYNES, JR.
United States District Judge